IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1286 of 2024

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Shamsher Bahadur Son of Shri Sikandar Prasad, Resident of Chiraili Tola, Banarsi Bigha, P.S. Khijar Sarai, District - Gaya.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Additional Chief Secretary cum Appellate Authority, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Director, Department of Land Records and Measurement, Govt. of Bihar, Patna.
4. The Assistant Director, Department of Land Records and Measurement, Govt. of Bihar, Patna.
5. Branch Officer, Department of Land Records and Measurement, Govt. of Bihar, Patna.
6. Director of Treasury, Department of Land Records and Measurement, Govt. of Bihar, Patna.
7. The Settlement Officer, Head Office, Madhepura.
8. The Assistant Settlement Officer, Head Office, Madhepura.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Hrishikesh, Adv.
For the Respondent/s	:	Mr.Government Pleader (7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 24-07-2026

Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that the present writ petition has been filed with the following reliefs:-

> *i. For quashing of Order dated 13.11.2023 passed by Learned Additional Chief Secretary cum Appellate Authority, Department of Revenue and Land Reforms, Govt. of Bihar at*

Patna.

ii. For quashing of Order dated 25.04.2023 passed by learned Director, Land Records and Measurement, Govt. of Bihar, Patna whereby contractual employment of the Petitioner has been terminated.

iii. For directing the Respondents to reinstate the petitioner by giving further extension of his service tenure.

iv. For directing the Respondents to pay the Petitioner honorarium for the period he was reporting regularly to the Settlement Office and providing service as per direction of the Settlement Office.

V. For any other relief for which the Petitioner may be entitled in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the petitioner was working in the capacity of Special Survey Amin bearing No. AEN02392, under the Department of Revenue and Land Reforms, Bihar. He further submits that the petitioner has been employed by virtue of Bihar Special Survey Honorarium Based Contract Employment Rules, 2019. He further submits that the Special Survey and Settlement Act, 2011 was subsequently amended as Bihar Special Survey Honorarium Based Contract Employment Rules, 2019 and further amended

as Bihar Special Survey Honorarium Based Contract Employment (Amendment) Rules 2022. He further submits that the petitioner's service is being guided by the said rules.

4. Counsel further submits that the petitioner while posted as Special Survey Amin in the Settlement Office, Madhepura, received a show-cause from the Assistant Director, Land Records and Measurement, Government of Bihar, Patna vide Letter issued by File No.1775 dated 19.07.2022 indicating therein that why his contractual employment should not be terminated on the ground of violation of Bihar Prohibition and Excise Act, 2016 in which he was alleged to be arrested and imposed punishment of fine Rs.2000/-.

5. Counsel further submits that in the light of direction made in Letter dated 19.07.2022, the petitioner has filed his reply to the show-cause dated 22.07.2022 indicating therein that it was the *Peskar,* who had asked to pay fine of Rs.2000/- so that the case shall be ended and therefore, he has deposited the same without accepting any guilt and his criminal case has become ended.

6. Counsel further submits that the Authority (the Director, Land Records and Measurement) has passed a

punishment order in the light of Rule 8(4) of Bihar Special Survey Honorarium Based Contractual Employment Rules, 2019, which is contained in memo No.2945 dated 25.04.2023 (Annexure-13 of the writ petition). He further submits that being aggrieved and dissatisfied by the said order passed by the Director, Land Records and Measurement, Govt. of Bihar, the petitioner has preferred appeal before the Additional Chief Secretary, who was the Appellate Authority under the said rule, but on the ground that he has been arrested by the Police, criminal case lodged and he had deposited Rs.2000/- as fine, the order passed by the Original Authority (the Director, Land Records and Measurement) has been affirmed which is contained in Memo No.8894 dated 13.11.2023. He further submits that the petitioner has moved before this Hon'ble court challenging both the orders in the present writ petition in which counter-affidavit was demanded and it has been filed later.

7. Counsel further submits that the cause of punishment imposed upon him, was treated by the Authorities dealing his matter relating to service was that the petitioner has accepted his guilt by way of making payment of Rs.2000/-, hence, he was advised to challenge before this Hon'ble Court in

Criminal Writ Jurisdiction Case that the fine deposited by him before the Excise Court may not be treated as his guilt. He further submits that the said criminal writ bearing Cr.W.J.C. No.2571 of 2025 (Shamsher Bahadur Vs. The State of Bihar & Ors.) in which vide order dated 12.12.2025, a CAV judgment has come in which the entire criminal proceeding against the petitioner arising out of FIR bearing Singheshwar P.S. Case No.69 of 2021 and all consequential proceedings are quashed against him. He further submits that the said order passed by this Hon'ble Court has been annexed as supplementary affidavit vide Annexure-18. He further submits that since the basis of allegation made in the FIR that the petitioner has been arrested by the Police on the ground that he has consummated alcohol is no more in the light of order passed by this Hon'ble Court in the criminal writ then, the question of payment of Rs.2000/- as a fine has automatically vanished and therefore, he submits that the genesis of the punishment in the departmental proceeding is non-existent, therefore, counsel submits that his argument is two fold. Firstly, after decision of the Criminal Court, the charges and the decision made in the departmental proceeding are not sustainable and may be set aside and his alternative argument is that even if it has been assumed that the decision in the departmental proceeding acquires finality prior to the decision of the Writ Court then also in the light of the decision made by the Writ Court, the charges on the basis of which the show-cause has been vanished as soon as the FIR itself is vanished. Therefore, he submits that the matter may be remanded back to the Authority concerned to decide this matter afresh and in between those decisions passed in the departmental proceeding, which is order impugned here, be kept in abeyance.

8. In response thereof, learned counsel for the State submits that it is true that criminal writ petition bearing Cr.W.J.C. No.2571 of 2025 has been allowed in favour of the petitioner in which this Hon'ble Court has quashed the FIR in which the petitioner has deposited fine, which was the basis of initiation of show-cause as the petitioner has deposited fine in the said case and alleged to be accepted his guilt. It is due to this reason, the said case has been closed against him and the order passed in the departmental proceeding has acquired finality, therefore the petitioner has no scope at all, save and except the punishment whatsoever be result of the criminal case. But if matter is remanded back then, no relief should be granted on those punishment order, which has been challenged here as impugned order.

9. After hearing the parties and with a view to decide this case, it is necessary to quote the relevant allegation, which is the basis for initiation of the departmental proceeding against the present petitioner. The extracts of Annexure-11 are as follows:-

> "निवेशानुसार उपर्युक्त विषयक बंदोबस्त पदाधिकारी, मधेपुरा के पत्रांक 411 दिनांक 23.06.2022 द्वारा यह सूचित किया गया है कि दिनांक 25.03.2021 को सिंहेश्वर मेला (मधेपुरा) में थाना प्रभारी द्वारा मद्य निषेध कानून के तहत आपको गिरफ्तार किया गया था, जिसमें 2000/- रूपये का दण्ड अधिरोपित किया गया है।
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> अतः निर्देश दिया जाता है कि इस संबंध में अपना स्पष्टीकरण पत्र प्राप्ति के 03 दिनों के अंदर ई-मेल के माध्यम से निदेशालय को समर्पित करें कि क्यों नहीं सरकार द्वारा लागू मद्य निषेध कानून का उल्लंघन करने के आरोप में आपका संविदा नियोजन समाप्त कर दिया जाय।"

10. It transpires to this Court that in the charge on which the explanation has been demanded, it has been acknowledged vide letter No.411 dated 23.06.2022 that on 25.03.2021, the SHO, Singheshwar Mela has arrested the petitioner under Excise Act in which fine of Rs.2000/- has been imposed upon him and in this regard, explanation has been sought for. By the orders impugned, it transpires that due to deposit of the said fine, the petitioner has been treated as guilty by the Disciplinary Authority and the Appellate Authority and he has been imposed punishment.

11. Upon perusal of Annexure-18 of the writ petition i.e., the order passed by the Criminal Writ Court in Cr.W.J.C. No.2571 of 2025, the prayer has been made that the petitioner could not be held guilty and further that no social stigma of consuming alcohol could be attached with the petitioner in connection with Singheshwar P.S. Case No.69 of 2021 registered on 25.03.2021. The operative part of the said judgment as contained in paragraph 17, 18 and 19 state as follows:-

> *17. The aforesaid discussion leads to an irresistible conclusion that the criminal proceeding against the petitioner cannot be sustained and hence the FIR bearing Singheshwar P.S. Case No. 69 of 2021 and all consequential proceedings are hereby quashed against the petitioner.*
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> *18. Before parting with this order, it would be apt to direct all the Courts dealing with the matter under the Excise Act to follow the provisions of law as prescribed under the Excise Act as well the Excise Rules especially with regard to the recording of deposition of an accused pleading guilty in the format prescribed in Form VI A and orders be passed pursuant thereto in the format of Form VII, both under Rule 18 of the Excise Rules. The courts all over Bihar would strictly adhere to the format under the Excise Rules while passing the orders.*
>
> *19. Let this order be circulated to all the Courts concerned though the Registrar General and a copy be also sent to the Director, Bihar Judicial Academy for imparting training to the Judicial Officers.*

12. Upon perusal of paragraph 19 of the said judgment, it transpires to this Court that the FIR bearing Singheshwar P.S. Case No.69 of 2021 and all consequential proceedings are quashed by the Co-ordinate Bench of this Hon’ble Court, meaning thereby, the filing of the criminal case quashed, the allegation of depositing fine of Rs.2000/- is no more in existence and therefore, the show-cause issued on the ground of his arrest by the SHO in the Singheshwar P.S. Case No.69 of 2021 shall also become non-existent. This Court is of the view that when FIR has become non-existent and arrest become non-existent and payment of fine become non-existent. Therefore, the show-cause (annexure-11) shall be non-existent, the order passed by the Disciplinary Authority on the ground that he has made payment of Rs.2000/-, shall also become non-existent and the said punishment order passed by the Appellate Authority shall also become non-existent in the eye of law. In result, the order dated 25.04.2023 passed by the Director, Land Records and Measurement, Government of Bihar (Annexure-13) and the order dated 13.11.2023 passed by the Additional Chief Secretary-cum-Appellate Authority, Department of Revenue and Land Reforms, Government of Bihar (Annexure-14), both are hereby set aside.

13. However, the petitioner is hereby directed to join his post in his concerned Department with immediate effect.

14. With the aforesaid directions and observations, the present writ petition stands allowed.

(Dr. Anshuman, J)

Prakashmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28/07/2026
Transmission Date	NA